IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

O R D E R

S.B.CRIMINAL MISC. PETITION NO. 1364/2005
(Bhanwar Lal Vs. State of Rajasthan)

Date of Order : 05/09/2006

PRESENT

HON'BLE MR. JUSTICE H.R.PANWAR

None present for the petitioner.
Mr. Ashok Upadhyay, public prosecutor for the State.

BY THE COURT:-

By the instant criminal misc. petition under Section 482 Cr.P.C., the petitioner has assailed the order dated 17.9.2005 passed by Judicial Magistrate No.2, Sujangarh (for short 'the trial court' hereinafter), whereby the trial court accepted the F.R.No. 30/2003.

I have gone through the memo of petition and the order impugned as also heard learned public prosecutor for the State.

By a well reasoned and elaborate order, considering the entire material placed before the trial court and the statement of witnesses, the trial court accepted the negative

final report. The matter was thoroughly investigated by the police and police came to the conclusion that it was the petitioner Bhanwarlal who committed the house trespass in the house of Sarpanch Umaram and assaulted him, however, due to intervention of other persons, they were separated and thereafter he picked up quarrel with some Dedraj. From the statement of witnesses, prima-facie it appears that it was the petitioner complainant who picked up the quarrel with Sarpanch Umaram and other person Dedraj. He has not been insulted or abused by indicating his caste as stated by the witnesses. The trial court on the basis of material before it came to the conclusion that there is no ground to proceed against the accused named in the report, and therefore, accepted the negative final report. In my view, the trial court was justified in accepting the negative final report. It cannot be said that the order impugned would result in serious miscarriage of justice or abuse of process of any Court.

The criminal misc. petition is therefore, dismissed.

(H.R.PANWAR),J.

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